

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

GLEN FOLSOM,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-13-632-D
)	
MARK KNUTSON, et al.,)	
)	
Defendants.)	

REPORT AND RECOMMENDATION

I. Absence of jurisdiction.

The undersigned, after conducting a preliminary review of this matter as directed by United States District Judge Timothy D. DeGiusti, Doc. 6, reports that Plaintiff, a state inmate appearing pro se, failed to file a complaint to initiate this action for civil rights relief. Rather, Plaintiff filed what he terms as an “Order to Show Cause for [a] Preli[mi]nary Injunction and a Temporary Restraining Order.” Doc. 1. Nonetheless, “[a]bsent a properly-filed complaint, a court lacks power to issue preliminary injunctive relief.” *Powell v. Rios*, 241 F. App’x 500, 505 n.4 (10th Cir. 2007) (citation omitted). Accordingly, should Plaintiff wish to pursue his claims, his civil action must be “commenced by filing a complaint with the court.” Fed. R. Civ. P. 3.

II. Recommendation and notice of right to object.

For this reason, the undersigned recommends that this matter be

dismissed without prejudice unless Plaintiff files a complaint pursuant to Fed. R. Civ. P. 3 within twenty days from the date of any order adopting this Report and Recommendation.¹

Plaintiff is advised of his right to file an objection to this Report and Recommendation with the Clerk of this Court on or before July 15, 2013, in accordance with 28 U.S.C. § 636 and Fed. R. Civ. P. 72. Plaintiff is further advised that failure to file a timely objection to this Report and Recommendation waives his right to appellate review of both factual and legal issues contained herein. *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991).

This Report and Recommendation disposes of all the issues referred to the undersigned Magistrate Judge in the captioned matter.

ENTERED this 24th day of June, 2013.



SUZANNE MITCHELL
UNITED STATES MAGISTRATE JUDGE

¹ The undersigned directs the Clerk to mail a copy of a form 42 U.S.C. § 1983 complaint to Plaintiff along with a copy of this Report and Recommendation.